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Security Council

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Identical letters dated 21 June 2000 from the Permanent Representative of Iraq to the United Nations addressed to the Secretary-General and to the President of the Security Council

I refer to the letter dated 23 May 2000 from the Chargé d'affaires a.i. of the Permanent Mission of Kuwait to the United Nations addressed to you (S/2000/478) and to our letter dated 26 May 2000 responding to that letter (S/2000/502). On instructions from my Government, I have the honour to inform you that on 19 June 2000 Mr. Mohammed Said Al-Sahaf, Minister for Foreign Affairs of Iraq, addressed a letter (see annex) to Mr. Azzedine Laraki, Secretary-General of the Organization of the Islamic Conference (OIC), seeking clarification of the facts concerning the matter of the alleged paper annexed to the Kuwaiti letter, representing as it does a deliberate affront to OIC, an abuse of the privilege of having documents circulated within the United Nations system and a shoddy attempt to politicize the missing persons issue and deprive it of its humanitarian character.

I should be grateful if you would have the present letter and its annex circulated as a document of the Security Council.

(*Signed*) Saeed H. **Hasan**
Ambassador
Permanent Representative

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Annex to the identical letters dated 21 June 2000 from the Permanent Representative of Iraq to the United Nations addressed to the Secretary-General and to the President of the Security Council

Letter dated 19 June 2000 from the Minister for Foreign Affairs of Iraq addressed to the Secretary-General of the Organization of the Islamic Conference

I should like to refer to the fact that on 23 May 2000 the Permanent Mission of Kuwait to the United Nations addressed a questionable letter to the President of the Security Council transmitting what was alleged to be a position paper by the Organization of the Islamic Conference (OIC) on what it called "the issue of the Kuwaiti and third-country prisoners and missing persons in Iraq" and "the efforts that have been made by OIC over the past nine years in seeking to resolve this humanitarian issue" and requesting circulation as a document of the Security Council (copy attached). The letter in question and its dubious annex were then indeed circulated as a document of the Council (S/2000/478).

Our Permanent Representative in New York responded in an appropriate manner to this questionable conduct with a letter addressed to the President of the Security Council that was circulated as document S/2000/502. He stated that Kuwait's letter and its annex, "in addition to constituting an abuse of the right of States to request circulation of documents by the United Nations and undermining the credibility of OIC, represents an underhand and selective attempt to politicize the missing persons issue". At the same time, our Permanent Representative in New York also sought clarification from the OIC Permanent Observer there. Regrettably, we have received from him and from you only verbal assurances that the paper was no more than a set of "talking points" drawn up by an official of the OIC secretariat in connection with a visit by the organization's Secretary-General to Kuwait and that it has no official or legal standing. You have yet to issue any official statement clarifying your position with respect to the deliberate affront to OIC that was committed by Kuwait, and we view this as an attempt to avoid telling the whole truth.

As is customary with the rulers of Kuwait, this opportunistic and questionable behaviour on the part of Kuwait has the goal of politicizing the missing persons issue and exploiting OIC for devious purposes that are not at all in keeping with the rules that govern the functioning of the organization. It damages the organization's credibility, which requires it to adopt a position of neutrality on issues that arise between two of its members, and it is incompatible with the norms and procedures of diplomatic conduct. The manner in which you have addressed this dubious Kuwaiti conduct is also not at all in keeping with the requirements of the OIC Charter in terms of the principles of impartiality, the objective consideration of controversial issues and the rejection of interference and pressure. The Government of Iraq therefore believes that you owe it to all the members of OIC and that you have the duty, stemming from your responsibility to them, to clarify this matter and the circumstances in which it arose. That the representative of Kuwait at the United Nations refused the request of the OIC secretariat not to have the position paper circulated as a document of the Security Council is a violation of the organization's character as a legal entity, and this requires a resolute response on your part since

the position paper has no legal or official standing. Hence we request you to respond to this action, to tell the whole truth and to disclose the true position. The secretariat would be well advised to clarify that position so that member States can be apprised of it before the twenty-seventh session of the Islamic Conference of Foreign Ministers convenes.

I should also like in this connection to call your attention to a fact that is of the utmost importance, and that is that Iraq has provided all the assistance required to resolve the issue of missing Kuwaitis and third-country nationals and has done so from purely humanitarian motives. It released 7,023 Kuwaiti and third-country prisoners of war immediately on the cessation of the 30-Power aggression against Iraq in March 1991, according to data from the International Committee of the Red Cross (ICRC). Iraq also participated in the work of the Tripartite Commission and its Technical Subcommittee, which ceased to operate with the Anglo-American aggression against Iraq in December 1998, and in the efforts made to determine the fate of missing persons of all nationalities. Iraq processed more than 300 dossiers and many other cases were settled, so that the number of missing persons whose fate Kuwait is seeking to establish fell from 627 to 598 as a result of the sincere efforts made by Iraq. It should also be said that Iraq has always been ready to attend the meetings of the Tripartite Commission and the Technical Subcommittee if they are also attended by the parties that actually have cases of missing persons. Kuwait, however, refuses to reinstate these two bodies without the presence of representatives of the United States of America, the United Kingdom and France, none of whose nationals are missing.

I should like in this connection to call your attention to the fact that OIC should also attend to the matter of the missing Iraqis. ICRC has missed no opportunity to affirm that the Geneva Conventions of 1949 on the treatment of prisoners of war and on civilian persons do not distinguish between one prisoner of war and another or between one missing person and another. As the sponsor of all the activities relating to this matter, ICRC constantly stresses the equal status of Iraqi and Kuwaiti missing persons. We believe that the time has come for OIC to adopt the same course so that it can demonstrate its credibility and that it is above narrow political considerations and so that it can begin to ask the rulers of Kuwait to provide information on the 1,150 missing Iraqis on whom their authorities are refusing to provide any information.

I request the OIC secretariat to have this letter circulated to the States members of the organization.

(*Signed*) Mohammed Said **Al-Sahaf**
Minister for Foreign Affairs of the Republic of Iraq